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| In re Application of | : | |
| SILVERBROOK, Kia | : | |
| Application No.: 10/510,092 | : | DECISION ON PETITION |
| PCT No.: PCT/AU02/01061 | : | |
| Int. Filing Date: 06 August 2002 | : | |
| Priority Date: 17 June 2002 | : | |
| Attorney Docket No.: MJ85US | : | |
| For: NOZZLE GUARD FOR A PRINTHEAD | : | |

This decision is issued in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 30 May 2006 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** as moot.

Applicant states in the present petition that a response to the petition to withdraw the holding of abandonment filed on 27 June 2005 has not been received. The petition under 37 CFR 1.181 filed 27 June 2005 was granted by the Office of PCT Legal Administration in a decision dated 05 May 2005, a copy of the decision is attached herewith for your convenience.

Further, applicant contends, in the present petition, that the check in the amount \$1080 was insufficient to pay the basic national fee. As stated in the previous decision, effective 08 December 2004, the basic national filing fee was changed to \$300 (\$150 for small entity).¹ Since the time period to pay the basic national fee had not expired, the \$1080 check was applied to the \$300 basic national fee, on 08 December 2004. Hence, the basic national filing fee of \$300 was considered paid on 08 December 2004. Therefore, applicant's petition to revive is **DISMISSED as moot**.

¹Advance Notice Regarding Changes to Patent Fees Under the Consolidated Appropriations Act, 2005 was posted on the USPTO website on December 2, 2004. The public was advised to monitor the USPTO's Internet Web site frequently for current patent fee information pending enactment of the Act. On 08 December 2004, the Act was enacted into law and the basic national fee under 37 CFR 1.492(a) was changed to \$300.

The application has an international filing date of 06 August 2002 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **08 December 2004**.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "Anthony Smith".

Anthony Smith
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